

## ARTICLE 122

### Municipal Purchasing Policy

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### CROSS REFERENCES

Motor Vehicle Procurement Act of 1984, P.L. 193, No. 40

#### 122.01 PURPOSE.

This Article is hereby adopted because it has been the policy of the City of Bethlehem to aid and support the development and expansion of domestic industry through the purchase of American-made products. Further, this Article is adopted because the purchase of American-made products by the City of Bethlehem contributes to the economic well-being and general welfare of the United States and the Commonwealth of Pennsylvania, and to the citizens of the Lehigh Valley and the City of Bethlehem in particular.

#### 122.02 PROCUREMENT CRITERIA.

The City of Bethlehem shall not purchase or obligate funds for the procurement of equipment or material by way of any purchase order or contract for equipment or material, the total value of which is in excess of \$5,000.00, unless such equipment or material is manufactured, assembled or otherwise produced in the United States.

### 122.03 PURCHASE OF MOTOR VEHICLES.

For the purchase of Motor Vehicles, the provisions of this Article are extended to include North American made products (United States and Canada) in compliance with the Motor Vehicle Procurement Act (Act No. 1984-40) of the Commonwealth of Pennsylvania, effective May 16, 1985.

'Motor Vehicle' is defined as self-propelled vehicles such as automobiles, trucks, motorcycles and vehicles designed primarily for use in construction, agriculture or road maintenance, such as tractors and earth moving equipment.

### 122.04 EXCEPTIONS.

The provisions of Section 122.02 shall not apply where the City of Bethlehem, through the Director of Purchasing or any other employee of the City finds:

(a) That such equipment or material is not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality; or

(b) That the purchase of equipment or material produced in the United States would increase the overall cost of the contract by more than twenty-five (25%) percent.

Where such a finding is made, a public record shall be made of the reasons for the exception.

### 122.05 CONTRACT MATERIALS.

Every contract for public work shall contain a provision that in the performance of the work the contractor and all subcontractors shall use only material produced in the United States. If the City finds that with respect to any material one of the factors in Section 122.04 exists, an exception shall be noted in the specifications as to that material, and a public record shall be made of the reasons for the exception.

#### 122.06 POWER TO VOID CONTRACT.

If the City finds that in the performance of any contract there has been a willful failure to comply with the requirements of this Article, as set forth in the contract, that contract shall be void (and the contractor shall be prohibited from submitting bids for contracts with the City of Bethlehem for a period of one (1) year).

#### 122.07 APPLICABILITY.

This Article shall not apply to any contract awarded pursuant to an invitation for bids issued on or before the date of passage of this Article.

#### 122.08 SEVERABILITY.

If any sentence, clause, or sectional part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or parts of this Article. It is hereby declared the intent of the City Council of the City of Bethlehem that this Article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ord. 3021. Passed 10/1/85.)